

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Tony L. Ellison

v.

Case No. 08-cv-018-JL

NH State Prison, Warden

O R D E R

In March of 2010, it was brought to the court's attention that court mail addressed to New Hampshire State Prison inmates was being returned undelivered if the address did not contain the correct inmate identification number. The clerk's office contacted Nancy J. Smith, Esq., Office of the New Hampshire Attorney General, Civil Bureau, and requested she contact Warden Richard M. Gerry in order to rectify this practice. On March 25, 2010, Attorney Smith informed the clerk's office that she had been assured the State Prison mail room staff would be instructed to refrain from returning court mail based upon an incorrect inmate identification number.

Despite these assurances, on April 7, 2010, inmate mail was again returned to the court for failure to include a correct inmate number in the mailing address. On April 9, 2010, the Chief Deputy Clerk wrote Warden Gerry on behalf of the court and requested that he take immediate measures to assure that inmates receive court mail and that no further mailings be rejected for failure to contain the correct inmate identification number. The Warden did not respond to that letter. On May 4, 2010, court mail sent to the plaintiff in the above-captioned case was returned to the court for failure to contain a correct inmate number in the mailing address.

Based on the foregoing, the New Hampshire Attorney General, Michael A. Delaney, Esq., is ordered to appear and show cause why he should not be ordered to personally deliver in hand all mail addressed by this court to a New Hampshire State Prison inmate that is returned for failure to affix a correct inmate number. That hearing shall occur on Monday, May 24, 2010 at 10:00 a.m.

SO ORDERED.

Date: May 12, 2010

/s/ James R. Muirhead
James R. Muirhead
U.S. Magistrate Judge

cc: Tony L. Ellison, pro se
Michael A. Delaney, Esq.
Susan P. McGinnis, Esq.
Nancy J. Smith, Esq.